

Alabama State Board Of Chiropractic Examiners

**RULES & REGULATIONS
&
CODE OF ALABAMA**

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CHAPTER 190-X-1 ORGANIZATION, ADMINISTRATION AND PROCEDURE

RULE 190-X-1.01 Purpose.

The Alabama State Board of Chiropractic Examiners was created to ensure that the people of Alabama are adequately provided with the services of qualified chiropractors. It is also the duty of the Board to ensure that the public is protected from the incompetent practice of chiropractic. This purpose is achieved through the establishment of minimum qualifications for entry into the profession, through the conduction of regular examinations, through the adoption of rules defining and expounding unlawful and unprofessional and dishonorable conduct, and through swift and effective discipline, for those practitioners and non licensed clinic owners who violate the applicable laws or rules promulgated thereunder.

Effective: 3/22/84, amended 3/2009

Authority: 34-24-144; 34-24-165; 34-24-123

RULE 190-X-1.02 Composition and Selection of Board.

(1) Composition and Selection of Board. The Board shall be composed of nine members, eight of which shall be licensed to practice and are currently practicing in Alabama who meet the qualifications set out in Code of Alabama, 1975, 34-24-140, 34-24-141 and one consumer member appointed by the Governor. Members serve staggered four-year terms and continue to serve until a new member is appointed / elected, and qualified. No member shall serve more than two consecutive terms. The Alabama State Board of Chiropractic Examiners shall conduct an annual election according to the terms set out in this rule. When a vacancy occurs, whether by expiration of the term, death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original appointments / elections are made.

(2) Candidate qualification. In order to qualify the potential candidate must fulfill the following requirements:

(A) Be a citizen and a resident of Alabama who has resided in this State for at least five (5) years;

(B) Reside in the Congressional district from which they seek election, except for one African American elected from the state at-large;

(C) Be a graduate of a chartered chiropractic school which required actual attendance in the school as a prerequisite to graduation;

(D) Be actively licensed in Alabama and currently engaged in the clinical practice of chiropractic and have been so engaged for at least the five (5) immediately preceding years;

(E) Be of good moral character, with no board convictions in the five (5) years preceding qualification, no prior criminal convictions, and no recent history of drug or alcohol abuse;

(F) Must not be presently on probation relating to the practice of chiropractic in any state including this state; and

(G) Submit a completed qualification form to the Board not less than 20 days prior to the election or within the time stated in the Notice of Election.

(3) Voter qualification. In order to be eligible to vote in a board election you must fulfill the following requirements:

(A) Must reside in the congressional district in which you are voting.

(B) Must certify to your residency in the congressional district on your completed ballot.

(C) Must have an active Alabama license.

(4) Ballots.

(A) An official ballot will be sent to each qualified voter in the respective district not less than 14 days and not later than 120 days after the deadline for qualification.

(B) In order to be counted it must be received by the Board not later than 14 days after the ballots are mailed.

(C) Each official ballot must be returned in the official envelope in order to be counted.

(D) Only original, official ballots will be counted.

(E) The ballots will be maintained for 6 months by the Executive Director of the Board as public information.

(5) Ballot counting. As soon as possible after the deadline for board reception of ballots, the Executive Director will deliver by hand or mail all of the unopened ballots to an Independent agency employed by the Board for the purpose of tabulating the votes and declaring a majority winner. Unless there is only one candidate for the board and in this situation, the board shall certify the results and the results of the election shall be certified by no less than three members of the board. The candidate with a simple majority of the votes cast in each respective congressional district shall be declared the winner, in the event that no majority is gained by a candidate, ballots will be sent out within 14 days of the completion of the ballot tabulation and a run-off election between the two largest vote recipients will be held.

Immediately upon being declared the winner, the majority vote recipient will take possession of the expired position on the Board.

Effective: 3-6-90, amended 8/06, amended 1/97, (1), (2)(D), (3)(C), (5) amended 8/2003, (1)(2)(B)(D)(F)(G) amended 6/06, (2)(A)(5) amended 3/2009

Authority: 34-24-140; 34-24-141; 34-24-144; 34-24-165

RULE 190-X-1-.03 General Description of Organization and Operation.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, legal, secretarial, clerical and investigative, are paid from legislative appropriation of fees collected by the Board. Any fee which is received by the board shall not be refunded. The attorney general and his assistants may also provide legal services to the Board.

Effective: 9/15/82, amended 1/2000, amended 6/06

Authority: 34-24-143; 34-24-144; 34-24-165

RULE 190-X-1-.04 Rules of Order.

All proceedings of the Board shall be governed by Robert's Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

Effective: 9/15/82

Authority: 34-24-144; 34-24-165

RULE 19Q-X-1-.05 Quorum.

Five (5) members of the Board shall constitute a quorum. However, the board may appoint hearing panels consisting of no fewer than three (3) board members, The consumer member of the board may be a member of each hearing panel. The hearing panels are authorized to conduct hearings in the same manner as the full board is authorized to conduct hearings.

Effective: 1/6/87, amended 4/2/93. amended 8/96, amended 8/2003; amended 6/06

Authority. 34-24-144; 34-24-140 as amended 5/1985

RULE 190-X-1-.06 Meetings.

(1) The Board shall meet as prescribed by Code of Alabama, 1975, §34-24-144 and other times the Board deems necessary.

(2) The Board shall comply with the provision of the Alabama Open Meetings Act in connection with any meeting.

(3) All meetings of the Board of Chiropractic Examiners, not including any part relating to the good name or character of an individual, shall be open and public. Reports of investigations or complaints alleging violation of any law or rule, documents subpoenaed by the Board, reports of any investigator or investigative agency appointed or employed by the Board, memorandum or reports of the Board's counsel, memorandum or reports of the Board's counsel relating to investigations or complaints alleging violation of any law or rule, statements of persons interviewed by the Board or any committee or member thereof unless made a public hearing, reports of information received by the Board or any member thereof in confidence, reports of sensitive personnel records or information, reports of pending criminal investigations or reports or information the disclosure of which would be detrimental to the best interest of the public shall be considered privileged and confidential and shall not be disclosed except to an agent, attorney or employee of the Board of Chiropractic Examiners. The foregoing non-public records or writings shall not be subject to subpoena except upon the express order of a court of competent jurisdiction.

Effective: 3/6/90, (3) amended 8/96, (3) amended 5/99, (4) amended 1/2002, (1)(3) amended 3/2009, (3) amended 5/2011

Authority: 34-24-144; 34-24-165: 13A-14-2(a)

RULE 190-X-1-.07 Questions of Procedure and Evidence. The president of the Board shall, in accordance with these rules; rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the president shall be final.

Effective: 9/15/82

Authority: 34-24-144; 34-24-165

RULE 190-X-1-.08 Voting.

(1) All Board members, including the president, are entitled to vote and are entitled to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 190-X-1-.07. The president shall vote as a member of the Board and his / her vote shall count no more than the vote of any other member, except that in the event of a tie vote the president shall vote again to break the tie.

Effective: 3/6/90, amended 8/96

Authority: 34-24-144; 34-24-165

RULE 190-X-1-.09 Use Of Forms.

All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Forms used by the Board may be acquired from the Executive Director. Forms currently used are found in Appendix A to these rules.

Effective: 10/1/82, amended 3/2009

Authority: 34-24-144; 34-24-165

RULE 190-X-1-.10 Executive Director

(1) The Board shall select an Executive Director who shall be responsible for the administration of Board policy. The Executive Director is designated as the agent for the Board, for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests, should be made to the Executive Director at the Board's headquarters as follows:

**Office of the Executive Director
Alabama State Board of Chiropractic Examiners
102 Chilton Place
Clanton, AL 35045**

(2) The Board may employ other full or part time administrative staff, including an administrative assistant, secretaries or others, who shall work under the direction and supervision of the Executive Director.

(3) All Board administrative staff, including the Executive Director and the administrative assistant, shall be entitled to reimbursement for travel the same as other employees of the State of Alabama, including actual expenses for authorized out-of-state travel, and per diem and transportation costs for in-state travel.

(4) The Executive Director shall keep a record of all meetings of the Board. The place of each meeting, names of the members present, all official acts of the Board, and the votes shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next meeting of the Board. The minutes, not including any section relating to the good name or character of an individual, shall be open to public inspection.

Effective: 3/6/90, (1) amended 8/96, (4) 1/2002, (1) amended 11/2005, (1) (2) (3) (4) amended 3/2009

Authority: 34-24-140; 34-24-144; 34-24-165

RULE 190-X-1-.11 Records.

(1) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Public records shall not include, but not necessarily limited to, reports of investigations or complaints alleging violation of any rule or law, documents subpoenaed by the Board, reports of any investigators or investigative agency appointed or employed by the Board, memorandum or reports of the Board's counsel, memorandum or reports of the Board's counsel relating to investigations or complaints alleging violation of any rule or law, statements of persons interviewed by the Board or any committee or member thereof unless made at a public hearing, reports of sensitive, personnel, confidential or health information, reports of pending criminal investigations or reports or information the disclosure of which would be detrimental to the best interest of the public. The foregoing non-public records or writings shall not be subject to subpoena except upon the express order of a court of competent jurisdiction.

(2) Specific public records are available for inspection at Board headquarters. Any person wishing to view public records should submit a request form detailing the record or records desired. An appointment will be scheduled with the Board staff who must locate and retrieve the requested records during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the Executive Director and upon payment of the costs of copying which cost shall be estimated and set from time to time by resolution of the Board, will be supplied copies.

Effective: 9/15/82, 12/2002, (3) amended 3/2009

Authority: 41-22-4(1)(c); 34-24-144; 34-24-165

RULE 190-X-1-.12 Employment of Agents, Etc.

The Board may employ investigators, inspectors, attorneys and any other agents and employees and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain rigid administration and enforcement of the code and these rules.

Effective: 9/15/82

Authority: 34-24-6; 34-24-140; 34-24-144; 34-24-165

RULE 190-X-1-.13 Directory of Licensees Published.

The Board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the Executive Director at cost, which cost shall be estimated and set from time to time by rule of the Board.

Effective: 9/15/82, amended 3/2009

Authority: 34-24-1; 34-24-6; 34-24-28; 34-24-140; 34-24-144; 34-24-165

RULE 190-X-1-.14 Funds for Scholarships, etc.

This Board is authorized to accept any public or private funds, grants, appropriations, or other monies to be used for scholarships for qualified persons to study chiropractic in an approved chiropractic college.

Effective: 9/15/82

Authority: 34-24-144; 34-24-165

RULE 190-X-1-.15 Donations of Equipment, Supplies, Etc.

This Board is authorized to accept any donation of funds, equipment, supplies or other goods or services from any source.

Effective: 3/6/90

Authority: 34-24-144; 34-24-165

RULE 190-X-1-.16 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

- (a) The petitioner shows that he / she is substantially affected by the rule in question,**
- (b) Sufficient facts are supplied in the request to permit the Board to make a valid determination, and**
- (c) The request arises from an actual question or controversy.**

(2) A request for a declaratory ruling must be in writing and must specifically state that it is a "request for a declaratory ruling."

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act Section 11.

Effective: 10/1/82

Authority: 41-22-11; 34-24-144; 34-24-165

RULE 190-X-1-.17 Advisory Opinion.

(1) The Board may, in its discretion, issue advisory opinions to any licensee substantially affected by a rule and / or statute enforceable by the Board. Board advisory opinions may address, but not necessarily be limited to, the applicability of such rule and / or statute to the licensee or a set of facts hypothetically involving the licensee, or may address the meaning and scope of any order of the Board.

(2) A request for an advisory opinion must be in writing and must specifically state that it is a "request for an advisory opinion."

Effective: 3/6/90

Authority: 34-24-140; 34-24-144; 34-24-165; 41-22-11

190-X-1-.18 Fees. Fees shall be as follows:

1) License Application Fee \$150

An application fee not to exceed \$150.00 shall be required of all applicants for licensure. The exact fee shall be set from time to time by resolution of the Board.

2) Exam Application Fee \$150

An applicant must complete the application form and pay a fee of \$150 pursuant to Rule 190-X-2-.02.

3) Original License \$50

Upon completion of all requirements for licensure and payment of the license issuance fee of not more than \$50.00 as set from time to time by resolution of the Board, an applicant shall be issued a license.

4) Clinic Owner Non Licensed \$75

An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee to be established by the Board.

5) License Replacement \$50

The fee for any replacement license shall be \$50.

6) Renewal-Active \$300

A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.

7) Renewal-Retired \$150

The annual fee for maintenance of a retired license may not be more than one-half that provided in 190-X-2-.11(4) for an active license.

8) Renewal-Inactive \$150

The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11(5)

9) Late Fees for Licensees and Clinic Owner Non Licensed \$50-250

The late penalty for renewal during the month of October is fifty dollars (\$50), for renewal during the month of November is one hundred dollars (\$100) and for renewal during the month of December is two hundred and fifty dollars (250).

10) Reinstatement \$150

In the event any licensee allows his / her license to lapse past December 31 and desires to return to active practice, he / she must apply to the Board for a reinstatement of the license and must submit to the Board a reinstatement fee of \$150.00 together with all back fees including the highest late renewal penalty.

11) Preceptor Doctor \$25/month (\$75/quarter)

Contribute \$25.00 monthly (payable the first quarter with the preceptor application and thereafter quarterly in advance) to the Alabama State Board of Chiropractic Examiners to defray expense of administration of this program only when the Preceptor actually has a extern or intern in the office.

12) Disciplinary Fines \$500-2,000 per violation

The Board may impose a fine not to exceed \$2,000 for each violation off any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violations))

- 1. Section 34-24-166(b)(1);**
- 2. Section 34-24-166(b) (2);**
- 3. Section 34-24-166(b)(3);**
- 4. Section 34-24- 166(b)(4);**
- 5. Section 34-24-166(b){5};**
- 6. Section 34-24-166(b)(6);**
- 7. Section 34-24-166(b) (9);**
- 8. Section 34-24-166(b)(10);**
- 9. Section 34-24-166(b)(11); and**

10. Section 34-24-166(b)(12);

The Board may impose a fine not to exceed \$1,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violations):

1. Section 34-24-166(b)(7); and

2. Section 34-24-166(b)(8);

The Board may impose a fine not to exceed \$500 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations):

1. Section 34-24-166(b)(13);

2. Section 34-24-166(b)(14);

3. Section 34-24-166(b)(15); and

4. Section 34-24-166(b)(16)

13) Disciplinary Costs Up to \$8000 per guilty count

The Board may impose costs in the amount of up to \$8,000, in connection with any hearing held in connection with the refusal of a license pursuant to Code of Ala. 1975, 34-24-166(a).

14) Annual Directory \$50

The Board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive secretary at cost, which cost shall be estimated and set from time to time by resolution of the Board.

15) CCE Provider/Course Approval Application \$75/per module

16) 5 Year CCE History \$25 per licensee

17) Licensee Listing (paper list) \$40

18) The following fee schedule will apply to all organizations (except state and local government agencies) requesting information from the licensee or clinic databases:

a) A fee of ten cents (\$.10) per record, up to (10) data fields, and a fee of one cent (\$.01) for each data field exceeding ten (10) will be charged. These fees apply to data released via email or CDROM disks in Microsoft Excel format;

b) Additional charges will incur for (but may not be limited to) the cost of CDROM disks (\$2.00 each), plus postage;

c) A minimum total fee of (\$75.00) will be charged for each request.

d) State and local government agencies will be exempt from all charges except for materials used. These agencies may choose to supply their own CDROM disks and pick up the data, thereby avoiding all charges.

(19) Mailing Labels (paper) \$60

(20) License Verification \$10

Any licensee who requires written verification of his / her Alabama license may request certification upon payment of a fee of \$10 each.

(21) Copy of Rules \$50

(22) Copies .50 cents/page plus postage

(23) NSF Fee Max allowed by law

(24) Pursuant to code of Alabama 1975, 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.

(25) Fee to resend Mail \$25

(26) Proposed Rule Subscription \$10 (annual subscription)

Author ASBCE

Effective: 6/2008; amended 1/09; amended 4/2010, amended 01/2011 (10) (15)

Authority: 34-24-144; 34-24-16(e); 34-24-166(c)(1)

CHAPTER 190-X-2: LICENSURE

RULE 190-X-2.01 Educational Requirements.

(1) All Applicants. Each applicant for licensure prior to December 31, 2009 must have had literary training equaling as much as a regular high school graduate.

(2) All applicants must be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course.

(3) After December 31, 2009, each applicant shall have a bachelor's degree from an accredited college or university and submit a certified copy of a transcript evidencing the referenced degree.

(4) Applicants Matriculating After October 1, 1975. Each applicant for licensure that matriculated in a chiropractic college on or after October 1, 1975, must have graduated from a chiropractic college accredited by or having status with the Commission of Accreditation of the Council on Chiropractic Education, or its successor.

(5) Student Applicants. Any person who is currently enrolled in a chiropractic college approved by the Board shall be permitted to make application to this Board and take the necessary examination during his / her final academic year of college. In the event a student applicant passes the Board, his / her license shall be issued after graduation and upon receipt of all supporting documents and fee.

Effective: 3/6/90, (3) amended 3/94, amended 6/06, amended 6/10 (3)

Authority: 34-24-160; 34-24-144; 34-24-165

RULE 190-X-2.02 Application Fee and Examination Fee Required.

A application fee not to exceed \$150.00 shall be required of all applicants for licensure. The exact fee shall be set from time to time by resolution of the Board. The fee shall be tendered in cashier's check, bank certified check, or money order only.

A fee not to exceed \$150.00 shall be required of all applicants for examination. The exact fee shall be set from time to time by resolution of the Board. The fee shall be tendered in cashier's check, bank certified check, or money order only.

Effective: 9/15/82, amended 9/96

Authority: 34-24-160; 34-24-144; 34-24-165

RULE 190-X-2-.03 Good Moral Character Required.

The Board shall reject the application of and refuse licensure to any applicant who is of other than good moral character and reputation. Grounds for rejection include, but are not limited to (1) a history of narcotic violation, (2) conviction of a felony or a crime involving moral turpitude, and (3) previous diagnosis of a psychopathic disorder. The determination as to what constitutes other than good moral character and reputation shall be solely within the judgment of the Board.

Effective 9/15/82

Authority: 34-24-160; 34-24-144; 34-24-165

RULE 190-X-2-.04 Application Required.

(1) **Application Form.** Each applicant for licensure shall complete an application form prescribed by the Board and supplied by the Executive Director. Application forms must be typewritten, and all items on the form must be completed fully.

(2) **Documentation.** The documents indicated below must be received by the Executive Director before an application will be processed.

(a) The applicant must submit the following documents by the examination deadline:

1. A signed wallet or passport size photograph attached to the application in the appropriate place.
2. Fee provided for in Rule 190-X-2-.02.

(b) The following must be submitted to the Executive Director directly from the respective Institution, organization or state licensing agency:

1. A certified transcript of applicant's chiropractic college grades showing graduation from an approved chiropractic college.
2. A certified copy of his / her transcript of scores of at least parts one and two from the National Board of Chiropractic Examiners showing he / she has passed the examinations administered by that Board (see Rule 190-X-2-.05).
3. Complete verification(s) of licensure (out of state license holders only).
4. An up-to-date college transcript of grades together with a letter from the applicant's college certifying that he or she is currently in the final academic year of chiropractic education may be used in cases where the diploma has not yet been issued.
5. Beginning January 1, 2010, a certified transcript of the applicant's college grades showing graduation from an accredited college or university with a bachelor's degree.

(3) **Notarization Required.** Complete applications must be signed and notarized.

(4) **Deadline for Application.** Complete applications, including all documents and fees must be received by the Executive Director by the 25th of the month prior to the next examination except for reciprocity applications which must be received by the executive Director the 15th of the month prior to the next examination.

Effective: 3/6/90, (2) (b) (5) amended 3/94, (2)(b) amended 9/96, (2)(a),(b)3, 5, (4) amended 8/02, amended (2)(b)(1)(2)11/03, amended 6/06, (1)(2)(2)(b) amended 3/2009

Authority: 34-24-160; 34-24-144; 34-24-161

RULE 190-X-2-.05 Examination Required.

(1) National Board Examination.

- (a) Each applicant who matriculated into chiropractic college after January 1, 1973, must pass parts one and two of the examination administered by the National board of Chiropractic Examiners, as a prerequisite for application for licensure in the State of Alabama and (b) or (c),**
- (b) Each applicant must pass parts three and four of the examination administered by the National Board of Chiropractic Examiners or**
- (c) A chiropractor who has actively practiced in another state for the last 3 years without adverse disciplinary action must pass the Special Purposes Examination of Chiropractic (SPEC) test administered by the National Board of Chiropractic Examiners.**

(2) Alabama Board Examination. Each applicant must pass an examination administered by the Board.

- (a) Subjects. Applicants will be tested on State laws and regulations governing the practice of chiropractic**
- (b) Passing Grade. A score of seventy - five percent is required for passing the examination.**
- (c) Re-examination.**
 - 1. An applicant must complete the application form and pay a fee of \$150 pursuant to Rule 190-X-2-.02.**
 - 2. An applicant must pass this Board**
- (d) Scores Released. The Board shall notify each examinee of the examination results by mail within 30 days of the examination.**

The Board has established certain combinations of examinations, which are acceptable for licensure. These combinations are as follows:

- (a) NBCE Parts I, II, III and IV and Alabama Board Examination on State Laws and regulations. Or,**
- (b) NBCE Parts I, II, and SPEC examination and Alabama Board Examination on State Laws and regulations.**

Effective: 3/6/90, (c)(1) amended 1/97, amended 7/12/97, amended 2/98, amended 8/2001, (2)(c) amended 6/2008

Authority: 34-24-160; 34-24-161; 34-24-144; 34-24-165

RULE 190-X-2-.06 Issuance of License.

- (1) Fee. Upon completion of all requirements for licensure and payment of the license issuance fee of not more than \$50.00 as set from time to time by resolution of the Board, an applicant shall be issued a license.**
- (2) Time Limitation. Such license issuance must be paid within twelve months of the successful completion of the examinations required by Rule 190-x-2-.05. Failure to pay the license issuance fee within the twelve months following the successful completion of the examinations required by Rule 190-x-2-.05 will result in the need for the applicant to retake the examination.**

(3) Signatures Required and Effective Date. Each license shall be signed by the Executive Director and the president of the Board. This license shall become effective on the date of recordation with the judge of probate where the doctor practices as specified in the Code of Alabama 1975, 34-24-164, as evidenced by the return of the completed form to the Executive Director's office.

Effective: 3/6/90, amended 5/91, amended 8/93, (3) amended 3/2009
Authority: 34-24-163; 34-24-144; 34-24-161; 34-24-165

RULE 190-X-2-.07 No Temporary Permit Issued.

The filing of an application with this Board neither constitutes the issuance of a temporary license or non licensed owner permit nor grants any other special privilege, except as provided in Rule 190-X-7-.02.

Effective: 3/6/90, amended 3/2009
Authority: 34-24-144; 34-24-165; 34-24-145

RULE 190-X-2-.08 Verification of Licensure.

Any licensee who requires written verification of his / her Alabama license may request certification upon payment of a fee of \$10 each.

Effective: 3/6/90, amended 7/6/93
Authority: 34-24-144; 34-24-165

RULE 190-X-2-.09 Recordation of License.

Each person issued a license shall record his / her license within ten days in the office of the Judge of Probate in the county in which the licensee practices in Alabama, and shall likewise record such license within ten days in any county in which he / she subsequently practices chiropractic, as evidenced by the return of the form required by Board Rule 190-X-2-.06.

Effective: 3/6/90
Authority: 34-24-1; 34-24-6; 34-24-164; 34-24-144; 34-24-165

RULE 190-X-2-.10 Display of License.

Each Chiropractor shall at all times display conspicuously in his / her principal office the license issued by this Board or the license previously issued by the Healing Arts Board.

Effective: 3/6/90
Authority: 34-24-1; 34-24-6; 34-24-133; 34-24-144; 34-24-165

RULE 190-X-2-.11 Renewal of License

(1) Annual Renewal Required.

Each license shall be subject to renewal on September 30 of the year for which it is issued and every person having a valid license may on or before September 30th renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of the fees set forth below. Each licensee shall complete a renewal form

provided by the Executive Director of the Board. Renewal notices will be mailed or emailed in August of each year.

(2) Continuing Professional Education Required. A minimum of 18 hours of continuing education as approved by the Alabama State Board of Chiropractic Examiners is required annually for license renewal.

(a) As a condition of licensure renewal for those who are currently licensed and actively practicing in this state, a chiropractor must obtain every year a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board rules. The two (2) hours are included in the minimum of 18 hours.

(b) For those who receive a license after October 1, 2004 and are actively practicing in this state a chiropractor must obtain four (4) hours of the continuing education referred to in (a) above within one (1) year of licensure.

(c) For those who are licensed to practice in this state but who are not actively practicing in this state, the continuing education referenced in (a) above must be obtained within twelve months of actively practicing in this state.

(d) The requirement set forth in (a)(b) and (c) above may be satisfied by distance based continuing education in addition to the distance based education allowed in paragraph (3).

(3) No more than one third (1/3) of the required hours may be completed in a distance based continuing education format which complies with the provisions of this rule. Annually shall mean October 1 - September 30 of each year.

(a.) All providers of distance based continuing education courses must be an entity approved by the Board.

(b.) Providers shall submit to the Board:

(aa.) the required fee and a completed FCLB Uniform Continuing Education Application,

(bb.) Curriculum Vitae of the course instructor(s).

(cc.) Proof of policies and procedures for implementation and evaluation of the course and the educational units.

(dd.) Electronic records of contact hours awarded to the licensee in a format and method specified by the Board.

(4) All seminars, workshops, and / or conventions staged in or out of the State of Alabama must be submitted to the Board for their approval. After examination of the subject material, the Board, in its discretion, may grant credit towards license renewal. In determining whether credit is granted and the number of credit hours granted, the Board shall consider the apparent quality of the material taught and its professional value to the practitioner.

The continuing educational requirement for the purpose of license renewal for any person who has graduated from a recognized CCE chiropractic college within the licensure year immediately preceding the licensure year indicated on the license renewal form except hours required in (2)(b) above may be met through attendance at a recognized CCE chiropractic college (a minimum of 18 hours). This applies only to the first license renewal period after initial licensing.

During the grace period (October 1 to December 31) for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete

during the prior fiscal year. Hours obtained during the grace period do not qualify or apply to the deferral procedure outlined below. Hours must be received in the board office before January 1 to avoid reinstatement.

(5) Educational Requirement May be Waived or Deferred.

A licensee who cannot complete the continuing educational requirements because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

A licensee seeking a waiver or deferral must make application on the form provided by the Executive Director of the Board, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application form must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/ her from engaging in the active practice of chiropractic for a significant portion of the continuing education period.

All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time to complete the required hours of continuing education shall not engage in the active practice of chiropractic beyond December 31 of any year and until the board grants the licensee's request for waiver or deferral.

(6) Renewal Fee Required.

(a) A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.00. This fee may be submitted in cashier's check, bank certified check, money order, or personal check. If a personal check is returned for insufficient funds, a \$30.00 bookkeeping charge will be levied.

(b) A licensee who is prevented from practicing chiropractic by reason of physical disability, temporary active duty with any of the armed forces of the United States, or while any licensee is completely retired from the practice of chiropractic may request a waiver or reduction of the fee for annual renewal. The waiver or reduction shall be effective so long as the disability, temporary active duty or complete retirement continues. Licensee must notify the Board within fifteen (15) days from the onset of any claimed physical disability, temporary active duty or complete retirement as set forth above. Licensee shall notify the Board within fifteen (15) days when any such condition no longer is applicable. Forms for waiver or reduction of fees must be obtained from the Office of the Executive Director.

(7) Late Penalty. A penalty shall be charged any person who fails to pay the renewal fee by September 30. The late penalty for renewal during the month of October is fifty dollars

(\$50), for renewal during the month of November is one hundred dollars (\$100) and for renewal during the month of December is two hundred and fifty dollars (250).

(8) Lapsed License. A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to Code of Alabama (1975) Section 34-24-165(b).

Effective: 3/6/90, (1) amended 5/91, (4) amended 8/96, (4) amended 1/97, (1) amended 7/12/97, (4) amended 6/98, (6) amended 5/99, (1)(3)(4)(5)(6) amended 1/2000, (4) amended 12/2000, (2) (3) amended 2/2001, (2) amended 3/2002, (2)(d), (3), (4) amended 8/2003, (2)(a)(b)(c)(d)(e) 1/2004, (2)(a)(c)(e), amended (3)(a)(b)6/2006, (1)(2)(a) amended 10/06; (6)(a)amended 1/09, (1)(5)(6)(b) amended 3/2009

Authority: 34-24-165; 34-24-144; 34-24-176; 34-24-172

RULE 190-X-2-.12 Reinstatement of License.

In the event any licensee allows his / her license to lapse past December 31 and desires to return to active practice, he / she must apply to the Board for a reinstatement of the license and must submit to the Board a reinstatement fee of \$150 together with all back fees including the highest late renewal penalty. The applicant must satisfy the Board that he / she is of good moral character and otherwise possesses all qualifications required by the law of licensees. Additionally, the Board may require the applicant to enroll in and pass a refresher course approved by the Board at an accredited chiropractic school. The Board's decision as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

Effective: 9/15/82, amended 1/2000, amended 8/2003, amended 3/09

Authority: 34-24-172; 34-24-144; 34-24-165

RULE 190-X-2-.13 Lost or Destroyed License / Permit or Name Change.

(1) Lost or Destroyed License or Permit.

Any licensee or permit holder whose license or permit is lost or destroyed may be issued a replacement license or permit upon making application to the Board. Such application must be accompanied by an affidavit setting out the facts concerning the loss or destruction.

(2) Name Change.

(a) Any licensee whose name is changed by marriage or court order must surrender his / her license and apply for a replacement license.

(b) Any permit holder whose clinic name is changed must apply for a replacement permit.

(3) The fee for any replacement license or permit shall be \$50.00

Effective: 9/15/82, amended 6/92, amended 1/09, amended 1/2011

Authority: 34-24-1; 34-24-6; 34-24-22; 34-24-144; 34-24-165

RULE 190-X-2-.14 Retirement of License.

- (1) Any licensee who is no longer in active practice may apply to the Board for retirement of his/ her license by submitting an affidavit to that effect on a form supplied by the Executive Director.**
- (2) A retiree is excused from the continuing education requirement by rule 190-X-2-.11(2).**
- (3) The annual fee for maintenance of a retired license may not be more than one-half that provided in 190-X-2-.11(4) for an active license.**
- (4) A retired license may be reactivated in the same manner as provided in Rule 190-X-2-.12; provided, however, that the applicant for reactivation may not be required to pay back fees for reinstatement to active practice.**

Effective: 6/14/84, (3), (5) amended 8/2003, (4)(5) amended 10/2006, (1) amended 3/2009

Authority: 34-24-165; 34-24-144

RULE 190-X-2-.15 Licensure by Reciprocity

(1) The Board may license an applicant if the applicant is licensed in another state which under like condition grants reciprocal licensure without examination to chiropractors duly licensed by examination in this state, and that in the opinion of the board, has standards of practice or licensure equal to or stricter than the requirements imposed by this state subject to the following conditions:

(a) The applicant for licensure by reciprocity must possess a license in good standing in all states in which the applicant is licensed. At the time of the application, the applicant must have practiced chiropractic for at least five (5) years and for the preceding three (3) years the applicant must have been actively licensed and practicing chiropractic in the reciprocating state.

(b) The applicant must not be the subject of any pending complaint or investigation in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all information, including any information or documentation requested by the Board, in connection with any pending complaint or investigation for the Board's review. The pendency of any complaint or investigation may be considered by the Board as a reason for denying licensure by reciprocity.

(c) The applicant must not have been disciplined in any state in which he or she holds or has held a license resulting from conduct which would constitute a violation of any of the grounds set forth in Code of Alabama, (1975) Section 34-24-166.

(d) The applicant shall not have been convicted of a felony or misdemeanor involving moral turpitude. A plea of nolo contendere shall be considered a conviction.

(e) The applicant must be current with continuing education requirements of the other state.

(f) The applicant must not have been found guilty of any actions in any state which could have resulted in discipline pursuant to Code of Alabama § 34-24-166.

(2) The applicant must complete all forms required by the Board including but not limited to an application for licensure by reciprocity. In addition, as part of the application process, and in order for the application to be considered complete, it shall be the responsibility of the applicant to submit the following:

(a) All applicable fees.

(b) Certification from the Board in each state where the applicant is currently licensed or previously held a license that the applicant's license is currently in good standing or was during the time the applicant possessed such a license. This certification from the

Board(s) shall also include a statement that the applicant is in compliance with the provisions of paragraph (1) (a)-(c) above.

(c) Any and all available information pertaining to the examination taken by the applicant which resulted in licensure in the other state(s).

(d) A certified transcript of applicant's chiropractic college grades sent directly from the school.

(e) A certified transcript of any National Board examinations sent directly from NBCE.

(f) An affidavit attesting to the applicant's compliance with all the provisions of this rule.

(3) In addition to the requirements listed above, the Board may, as a requirement of the application process, require the applicant to appear for a personal interview.

(4) The Board may consider as part of the application process whether the applicant has ever failed a licensure examination and the applicant shall be required to submit any documentation requested by the Board in connection with such failure.

(5) The Board may consider as part of the application process whether the applicant has ever been denied licensure in any state, regardless of the type of licensure. Upon request of the Board, the applicant shall submit any documentation in connection with such denial.

(6) Any applicant for licensure by reciprocity as a condition to the granting of such license must successfully pass an Alabama jurisprudence examination.

Effective: 10/1/03, amended 6/06, amended 7/10

Authority: 34-24-161; 34-24-140; 34-24-160

RULE 190-X-2-.16 Inactive License (Out of State)

(1) Any licensee who is in active practice outside the state of Alabama may apply to the Board for an Inactive (Out of State) License.

(2) A inactive license must complete renewal as provided in rule 190-X-2-.11(1)(2)(3)(5).

(3) The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11(5)

(4) Any licensee who desires to change the status of their license from Inactive to Active shall notify the Board in writing prior to any actual practice in Alabama. Failure to comply with this requirement may constitute unprofessional conduct as provided in rule 190-X-5-.05.

Effective: 10/2003, amended (3)(4) 3/2006

Authority: 34-24-165; 34-24-140

RULE 190-X-2-.17 Non Licensed Chiropractic Practice Ownership.

Definition. For the purpose of this rule, practice shall mean an office, clinic or other place that offers or provides chiropractic services which is owned in whole or in part by a non licensed person or entity.

Permit Required.

(1) A practice shall not offer or provide chiropractic services without all non licensed owners' first obtaining a permit or renewal permit from the Board.

- (2) An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee to be established by the Board. The application must be signed by all owner(s), if a sole proprietorship, or by an authorized representative, if a partnership, corporation, Limited Liability Company or Limited Liability Partnership.
- (3) The following information shall be included in the application and upon renewal:
 - a. The legal name of the practice and street address, telephone and facsimile numbers of the practice;
 - b. The type of entity (Sole proprietorship, partnership, corporation, Limited Liability Company, or Limited Liability Partnership);
 - c. The name, address and percentage of ownership of each person or entity;
 - d. The name and license number of each chiropractor licensed by the Board who is employed or otherwise engaged to offer or provide chiropractic services at the practice.
- (4) As a condition of the issuance of the initial non licensed permit, the applicant if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall successfully pass a jurisprudence examination to be administered by the Board.
- (5) No permit or renewal will be issued on an incomplete submission. Applications or renewals that are submitted without all of the required documents, information and / or fees will be deemed incomplete and returned to the applicant.
- (6) Practice permits shall not be required for licensed hospitals as defined in Sections 22-21-7, Code of Alabama 1975, or public health clinics registered with an appropriate government agency.
- (7) At least 30 days prior to the expiration of a practice permit, the Board shall send a renewal reminder to owner(s) of a practice.
- (8) Late Fees. A practice which does not renew the permit by September 30 shall pay late fees in the same amount as outlined in Board Rule 190-X-2-.11(7).
- (9) Continuing Education Required. As a condition for renewal of a non licensed permit, the clinic owner(s) shall obtain a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulations and compliance with the Alabama Chiropractic Practice Act and Board Rules between October 1 and September 30 of each year.

Any licensed chiropractor who offers or provides chiropractic services for or in a practice as defined in this rule without said practice having first obtained a permit or a timely renewal shall be considered in violation of the Alabama Chiropractic Practice Act. A practice permit shall be subject to the provisions of the Alabama Chiropractic Practice Act in regard to issuance and renewal of the permit or the acts or omission of any licensed chiropractor employed or otherwise engaged to offer or provide chiropractic services.

Author: J Ward

Effective: 10/1/04, amended (7) 10/06, (6)(7)(8) amended 3/08, amended 6/2010 (4)

Authority: 34-24-123; 34-24-165

RULE 190-X-2-.18 Inspections

- (a) Whenever the Board determines as a result of a complaint that there is probable cause for doing so, the Board may inspect the practice location or records of any chiropractor or permit holder.

(b) Any of the inspections referenced above may be conducted by a Board member(s) or any duly authorized representative of the Board.

(c) The Board may, after Notice and hearing provided for in this chapter, refuse to grant a license or permit or any renewal thereof or to impose disciplinary sanctions outlined in this chapter if any applicant, licensee or permit holder refuses to allow any inspection as set forth above.

Author: J Ward

Authority: 34-24-123, 34-24-140, 34-24-165

History: March 6, 2009

CHAPTER 190-X-3: SPECIALTY CERTIFICATION

RULE 190-X-3-.01 Acupuncture.

(1) **Definition.** Acupuncture as used in this Rule means a modality consisting of stimulating various points on or within the human body or interruption of the cutaneous integrity by specific needle insertion.

(2) **Practice Permitted** No person licensed to practice chiropractic in Alabama shall practice Acupuncture unless they have complied with the following requirements:

(a) A minimum of one hundred hours of study.

(b) Pass an examination administered by a school or college approved by the Board or pass the National Board of Chiropractic Examiners Acupuncture examination.

(3) **Statement of Policy.** It is the policy of the Board to approve the course of study in acupuncture at any accredited college of chiropractic, the general curriculum of which has previously been approved by the Board, which teaches acupuncture as a part of its curriculum and which stages examinations for certification.

Effective: 3/6/90, amended 6/92, amended 6/07

Authority: 34-24-120; 34-24-144; 34-24-165

RULE 190-X-3-.02 Chiropractic Physiological Therapeutics.

(1) **Definition.** Chiropractic Physiological Therapeutics includes, but is not limited to, modalities which produce electrical current, light, air, water, thermal (hot and cold), percussion, vibration, traction, massage, sonic wave; colonic irrigation, and rehabilitation equipment (bracing and casting).

(2) **Practice Permitted.** No person licensed to practice chiropractic in Alabama shall practice Chiropractic Physiological Therapeutics unless they have complied with the following requirements:

(a) A minimum of one hundred twenty hours or study.

(b) Pass an examination administered by a school or college approved by the Board or pass the National Board of Chiropractic Examiners Physiotherapy examination. This applies to all persons licensed to practice chiropractic in Alabama who matriculated in a chiropractic college on or after January 1, 1988.

Effective: 3/6/90, (3) amended 12/90, amended 6/07

Authority: 34-24-120; 34-24-165; 34-24-144

CHAPTER 190-X-4 DISCIPLINARY ACTIONS

RULE 190-X-4-.01 Complaints.

- (a.) Complaints, alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person with the Executive Director by submitting a written complaint. A copy of a complaint report may be obtained from the office of the Board.**
- (b.) In carrying out its investigations, the Board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials as set forth in Code of Alabama (1975) Section 34-24-173(7).**
- (c.) At any time during the course of an investigation, the Board may, within its discretion, issue a Letter of Concern to the licensee or permit holder who is the subject of the investigation. A letter of Concern shall consist of a private, confidential, written communication from the Board to the licensee or permit holder, the contents of which shall be specified by the Board. A Letter of Concern shall not be considered a disciplinary action and is not intended to communicate a finding on the part of the Board that a licensee to whom the Letter of Concern is directed will be charged with or has been found guilty of wrong doing. The purpose of the Letter of Concern is to provide notice to the licensee or permit holder under investigation that the Board has concluded that the alleged actions or conduct in question may not be in accord with provisions of Code of Alabama (1975) Section 34-24-120 et seq. The issuance of a Letter of Concern shall not preclude the Board from taking any other action authorized by law. A Letter of concern shall be deemed a non-public record under the provisions of Rule 190-X-1-.06. The board shall notify the person or persons whose complaint led to the Board's decision to send a Letter of Concern. The Board may make public statistical reports concerning the number and type of Letters of Concern issued by the Board.**

Effective: 9/15/82, amended 11/99, amended 1/2000, (2)(3) amended 1/2002, (a)(c) amended 3/2009

Authority: 34-24-167; 34-24-144; 34-24-165

RULE 190-X-4-.02 Complaint Investigation Procedure.

- (1) In the event a complaint is filed against a licensee or permit holder, or it is determined from other information that an investigation is necessary, the procedure for investigation shall be as follows:**
 - (a) The complaint or other information will be investigated by a committee.**
 - (b) If the committee determines after its investigation that probable cause exists, the procedure outlined in Code of Alabama (1975) Section 34-24-120 et seq. shall be followed. In the event the committee determines that probable cause does not exist, no further action will be taken and the complaint will be considered closed.**

Effective: 8/5/89 amended 9/92, (a)(b)-amended 8/96, amended 6/2000, (b) amended 1/2002, amended 6/06

Authority: 34-24-167; 34-24-144; 34-24-165

RULE 190-X-4-.04 Pre-Hearing Discovery.

(1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule.

(2) Extent Allowed. The attorney for the Board or the respondent may upon application to the hearing officer obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the hearing officer, and in his discretion, the following discovery may be allowed:

- 1. Deposition upon oral examination of any expert witness**
- 2. Interrogatories to respondent.**
- 3. Request for production and copying of documents or for inspection.**

(b) The discovery must be had in accordance with any terms and conditions imposed by the hearing officer. The hearing officer may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense.

Effective: 9/15/82, (2)(3)(b) amended 1/2000

Authority: 34-24-144; 34-24-165;

RULE 190-X-4-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) Hearing Officer. The Board shall appoint a person to act as an impartial hearing officer at any disciplinary hearing. Such hearing officer shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

(b) Plea. The respondent shall plea either "guilty" or "not guilty" to the charges set forth in the complaint.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The state shall present its evidence, followed by the respondent, followed by rebuttal by the state. Each witness called may be examined in the following manner:

- 1. Direct examination**
- 2. Cross-examination**
- 3. Examination by the Board**
- 4. Re-direct examination**
- 5. Re-cross examination**
- 6. Re-examination by the Board.**

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) Order. The Board shall issue an Order within thirty (30) days of the date of the final hearing, which shall include findings of fact, official notice taken and conclusions of law, separately stated. The licensee and/or permit holder shall be delivered a copy of the Order by certified mail, return receipt requested, and a copy shall be mailed first class to the attorney of record.

(2) Plea of Guilty and Waiver of Hearing. Upon the terms acceptable to the Board, the Board attorney may offer a Respondent the opportunity of a settlement of the charges of the complaint which such settlement may include the entering by the Respondent of a

plea of guilty to some or all of the charges of a complaint, thereby waiving any hearing on the charges of the complaint. Upon the Board's acceptance of a Respondent's guilty plea to one or more charges of a complaint, the Board may enter an order within a reasonable time thereafter revoking or suspending the Respondent's license and/or non licensed owner's permit, and / or fining the Respondent and / or taxing costs against the Respondent in accordance with Rules 190-x-4-.06 and 190-x-4-.07.

(3) **Evidence.** Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act Section 13 Section 2 Act 89-237. The probable cause note and any attachments thereto shall be admitted into evidence as a portion of the complaint without further authentication.

(4) **Emergencies.** The Board may in any emergency situation, when danger to the public health, safety, and welfare requires, suspend a license and/or permit without hearing or with an abbreviated hearing in accordance with the Alabama Administrative Procedures Act (19) (4).

(5) **Other.** The hearing shall otherwise be conducted in compliance with the provision of the Alabama Administrative Procedures Act.

Effective: 3/6/90, amended 9/92, (a)(f)(g)(h) amended 5/99, (1)(f)(2)(4) amended 3/2009
Authority: 34-24-168; 41-22-16(3); 34-24-144; 34-24-165

RULE 190-X-4.06 Discipline.

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, 34-24-123, 34-24-161 (e), or 34-24-166, or any rule adopted pursuant thereto, the Board may Invoke disciplinary action as outlined In §34-24-166(c). Failure to comply with any final order of the board, Including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license or permit.

(2) **Fines.** Upon finding that a licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following schedule of fines for each such violation. The Board shall not renew the annual certificate of registration of any licensee or permit holder against whom an administrative fine has been assessed by the Board until the fine is paid in full.

(a) The Board may impose a fine not to exceed \$2,000 for each violation off any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violations))

1. Section 34-24-166(b)(1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b)(3);
4. Section 34-24- 166(b)(4);
5. Section 34-24-166(b){5};
6. Section 34-24-166(b)(6);
7. Section 34-24-166(b) (9);
8. Section 34-24-166(b)(10);
9. Section 34-24-166(b)(11);
10. Section 34-24-166(b)(12); and
11. Section 34-24-166(b)(13)

(b) The Board may impose a fine not to exceed \$1,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violations):

1. Section 34-24-166(b)(7); and

2. Section 34-24-166(b)(8);

(c) The Board may impose a fine not to exceed \$500 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations);

- 1. Section 34-24-166(b)(14);**
- 2. Section 34-24-166(b)(15); and**
- 3. Section 34-24-166(b)(16)**

(3) Additional Discipline. Upon finding the licensee has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following additional penalties:

- (a) Revoke the license or permit.**
- (b) Suspend the license or permit.**
- (c) Enter a censure.**
- (d) Place the license or permit on probation fixing a period and terms best adapted to protect the public health and safety and to rehabilitate the licensee.**
- (e) Impose restrictions on the scope of practice of the licensee.**
- (f) Impose peer review.**
- (g) Impose professional education requirements.**
- (h) Order and direct a licensee to submit to a physical, mental or lab examination as outlined in §34-24-166.**

(4) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend respondent's license or permit.

(5) Considerations. In determining whether disciplinary action should be invoked, or whether a fine should be imposed and in what amount, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) the severity of the offense;**
- (b) the danger to the public;**
- (c) the number of repetitions of offenses;**
- (d) the length of time since the violation;**
- (e) the number of complaints filed against the licensee or permit holder;**
- (f) the length of time the licensee has practiced or permit holder has had permit;**
- (g) the actual damage, physical or otherwise, to the patient;**
- (h) the deterrent effect of the penalty imposed;**
- (i) the effect of the penalty upon the licensee's or permit holder's livelihood;**
- (j) any efforts of rehabilitation; and**
- (k) any other mitigating or aggravating circumstances.**

Effective: 8/5/89, amended 7/6/93, (a)(b)(c) amended 5/99, (a)(b)(c) amended 1/2001, amended 8/2003, amended 6/06, (2)(a)(c) amended 3/08, (3)(a)(b)(d)(4)(5)(e)(f)(i) amended 3/2009

Authority: 34-24-144; 34-24-165

RULE 190-X.4-.07 Costs.

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, 34-24-123, 34-24-161(e), 34-24-166, or any rule adopted pursuant

thereto, the Board shall impose the following costs against any person whose license or permit is refused, revoked, or suspended, and / or against who any fine has been Imposed.

(a) The Board may impose costs in the amount of up to \$8,000, in connection with any hearing held in connection with the refusal of a license pursuant to Code of Ala. 1975, 34-24-166(a).

(b) The Board shall impose costs for the actual amount incurred not to exceed \$8,000 for each violation of any of the provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto.

Effective: 8/5/89, (1)(a)(b)(c)(d) amended 2/98, (1)(b)(c)(d) amended 6/98, (1)(a)(b) amended 8/2003, amended 6/06.

Authority: 34-24-170; 34-24-144; 34-24-165; 34-24-166

RULE 190-X-4-.08 Restoration of a Refused, Revoked, or Cancelled License.

(1) Application for Restoration.

(a) Any person whose license or permit has been refused revoked or canceled at any time after two (2) years of such refusal, revocation or cancellation apply to the Board for restoration of their license or permit. The fee for restoration shall be in an amount set by annual resolution of the board, but not to exceed one-half the amount of the annual license fee. The application for restoration shall include both evidence that the individual meets the current requirements for license or permit and the reasons justifying restoration. The Board may, by a majority vote, grant the application and restore the license or permit.

(b) In the event the Board grants the application and deems it necessary, the applicant must thereafter take and successfully pass an examination approved by the Board.

Effective: 3/6/90, amended 12/2000, amended 8/2003, (1)(a) amended 3/2009

Authority: 34-24-172; 34-24-144

RULE 190-X-4-.09 Conflict And Bias.

(1) No Board member shall be entitled to vote in any disciplinary matter if the Board member is personally biased against the respondent or when such voting would violate the provisions of Code of Ala. 1975, 41-22-18.

(2) Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Executive Director at least three days before scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual bias for assertion.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Effective: 3/6/90, (2) amended 3/2009

Authority: 41-22-18(1); 34-24-14; 34-24-165.

CHAPTER 190-X-5 PROFESSIONAL CONDUCT

RULE 190-X-5-.01 Oath.

Each applicant for a license to practice chiropractic in Alabama shall be required to sign and affirm the following oath on his / her application form:

“I solemnly swear (or affirm) and attest that the statements made herein are true to the best of my knowledge, and further that if granted a license by the Alabama State Board of Chiropractic Examiners, I agree to keep the Board fully advised as to my address; to give assistance in procuring evidence against, and in the prosecution of those who violate any of the provisions of the Alabama Chiropractic Practice Act or Board Rules. I agree to faithfully follow the laws and rules relating to the practice of chiropractic medicine, including the provisions of the Alabama Chiropractic Practice Act and Board rules. If I violate those laws or rules, I fully understand that I am subject to discipline, up to and including revocation of my license.”

Effective: 9/15/82, amended 5/99, amended 2/2003

Authority: 34-24-160; 34-24-144; 34-24-165

RULE 190-X-5-.02 Cooperation With the Board.

(1) Statement of Policy. Each licensed chiropractor or permit holder is requested and is expected to cooperate with the Board in all matters.

(2) Report of Violations. Any chiropractor or permit holder who has knowledge of violations of any provision of Code of Ala. 1975, 34-24-120, et seq., or of these rules shall report such to the Board for investigation. When possible, the chiropractor or permit holder shall procure evidence that will aid in the prosecution of the violator. Failure to comply with the requirements of this rule will constitute unprofessional conduct as defined in Rule 190-X-5-.05, and Code of Ala. 1975, 34-24-166(b)(2).

Effective: 3/6/90, amended 7/6/93, (1)(2) amended 3/2009

Authority: 34-24-144; 34-24-165; 34-24-123; 34-24-166.

RULE 190-X-5-.03 Notification of Change of Address.

Each licensed chiropractor or permit holder shall file their business mailing, office, residential and email address with the Executive Director of the Board and notify the Board of any changes of address in writing within fifteen (15) days of such address changes.

Written notice shall list old addresses and new addresses and effective date of change. Notice may be submitted via facsimile, email or regular mail.

Effective: 9/15/82, amended 7/12/97, amended 5/99, amended 3/2009, amended 5/2011

Authority: 34-24-144; 34-24-165

RULE 190-X-5-.04 Advertising

- (1) A chiropractor or non licensed clinic owner shall not make or cause to be made a false communication about the chiropractor or the chiropractor's services. A communication is false if it contains a material misrepresentation of fact or law or omits a material fact rendering the statement when considered as a whole to be false.**
- (2) A communication is defined as information in any manner or medium designed or intended to attract public attention to the chiropractor or his/ her practice.**
- (3) The chiropractor shall have ultimate responsibility for all communications which are approved by him or her or his or her agents or associates. All communications regardless of form, including but not limited to recorded and printed communications, shall be approved by the chiropractor. In the case of broadcast communications, the actual transmission shall be retained and in the case of printed communications, a copy of the publication in which the communication is displayed shall be retained. Copies of communications, including but not limited to the transmission and publication referenced above, shall be retained by the chiropractor for one hundred eighty (180) days following the final appearance or use of the communication. The chiropractor is responsible for making copies of the communications available to the Board within ten (10) days following a request by the board.**

Author: ASBCE

Effective: 1/14/08

Authority: 34-24-166(5)(15)(20); 34-24-144; 34-24-165.

RULE 190-X-5-.05 Immoral or Unprofessional Conduct Prohibited.

- (1) The following conduct on the part of a licensee or permit holder is prohibited: Immoral,

Unprofessional.**

(2) Immoral or unprofessional conduct is defined as that conduct which violates those standards of professional behavior which through professional experience have become established, by consensus of the opinion of the Board members, as reasonably necessary for the protection of the public interest.

Effective: 9/15/82, amended (2) 1/98, amended (1)(2) 10/98, amended 6/06 amended (1) 3/09

Authority: 34-24-166(2)(3); 34-24-144; 34-24-165.

RULE 190-X-5-.06 Solicitation.

(1) Statement of Policy. It is the policy of the Board that solicitation by chiropractors and / or permit holders in this state should be regulated so as to effectuate the duty of the State of Alabama to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such licensees or to the public by the Constitutions of the United States and the State of Alabama, as construed by the United States Supreme Court and the Alabama Supreme Court. The Board has a substantial interest in protecting the

public from fraud, undue influence, intimidation, overreaching and other forms of vexatious conduct as well as protecting the tranquility and privacy of the home and of personal injury victims and their loved ones against intrusive, unsolicited contacts by licensees. The practices prohibited by this rule are hereby found and declared to constitute Immoral or unprofessional conduct in violation of Code of Ala. 1975, 34-24-166(b)(2), and Rule 190-X-5-.05 and / or fraud in obtaining money or other thing of value in violation of Code of Ala, 1975, 34-24-166(b)(1).

(2) Certain Practices Prohibited.

- (a). **Direct in -person uninvited solicitation.** A licensee or permit holder shall not by any direct, in-person, uninvited solicitation solicit an engagement to perform professional services. A licensee who has engaged in direct, in-person, uninvited solicitation shall not accept employment resulting from that solicitation, except that a licensee may accept employment from a close friend, relative, former patient (if the solicitation is germane to the former treatment), or one who the licensee reasonably believes to be a patient.
- (b). **Written communication.** All written communications sent by or on behalf of a licensee shall conform to the advertising guidelines of Rule 190-X-5-.04 and Rule 190-X-5-. 14.

(3) Definition. For the purpose of this rule, the term "direct, in-person, uninvited solicitation" shall be deemed and construed to mean any communication which directly or implicitly requests oral response from the recipient. Examples of such acts of uninvited solicitation include, but are not limited to, any uninvited in-person visits or conversations or telephone calls to a specific potential patient. However, such indirect forms of solicitation as giving speeches, conducting educational seminars, distributing professional literature by mail, except as prohibited above, or other forms of delivery that are not "in-person" and writing books and articles are not prohibited.

(4) Permissible Communication. Any form of invited communication to a potential client is permissible provided such communication conforms to the advertising guidelines of Rule 190-X-5-.04.

(5) Any current licensed doctor of chiropractic wishing to contract for or perform research that requires solicitation must obtain prior approval of same from the Board.

Effective: 3/6/90, (1) amended 9/99, (1)(2)(3)(5) amended 12/00, (2)(c)amended 1/2003, amended 6/06

Authority: 34-24-144; 34-24-165; 34-24-166(b)(1)(2).

RULE 190-X-5-.07 Trust Accounting Procedures For Pre-Payment Plans.

A chiropractor who offers any treatment plan over five hundred dollars (\$500.00) which includes payment of fees for services, goods or appliances to be performed or supplied in the future i.e. prior to the furnishing or supplying of any services, goods or appliances shall comply with all of the following requirements.

a. Hold all funds in a separate federally insured checking account at a financial institution located in this State. No personal funds of any chiropractor or chiropractic practice shall ever be deposited in this separate account except for maintenance fees, such as service charges on the account.

b. Designate the separate account, as well as deposit slips and checks drawn thereon as "Trust Account".

c. Maintain for each patient from whom funds are deposited into the referenced account a signed and witnessed statement which explains fully and completely the services, goods or appliances to be provided and the terms and conditions of payment. This statement shall include provisions for an accounting to the patient upon request as well as provisions for the return of all unearned fees in the event the patient chiropractic relationship is terminated.

d. Funds may only be transferred to the chiropractor after the service, goods or appliance is performed or supplied and only in the amounts authorized in the statement referenced above.

e. The treatment plan shall include an accurate description of the services, goods or appliances to be performed or supplied as well as the period of time in which the referenced services, goods or appliances will be performed or supplied.

f. Complete records of such account funds shall be maintained for seven (7) years after the performance or supplying of the services goods or appliances or from the termination of treatment. In addition, records shall include a ledger of all funds received and payments made which must be patient specific.

Author: ASBCE

Effective: 1/14/08

Authority: 34-24-144; 34-24-165; 34-24-166(2)

RULE 190-X-5.08 Exploitation of Patients For Financial Gain.

(1) Statement of Policy. The overutilization of chiropractic services or practice by exercising influence on a patient in such a manner as to exploit the patient or a third party payor for the financial gain of a licensee or a third party is hereby found and declared to constitute immoral or unprofessional conduct in violation of Code of Ala. 1975, 34-24-166(2).

(2) Definition of Overutilization. Generally. Overutilization of chiropractic services or practice is defined as services or practices rendered, or goods or appliances sold by a chiropractic physician to a patient(s) for financial gain of the chiropractic physician or a third party which are excessive in quality or quantity to the justified needs of the patient or are excessive in price.

(3) Overutilization. Specifically. Overutilization occurs when:

(a) The physician's written chiropractic records do not justify or substantiate the quantity or number of chiropractic services, or practices rendered, or goods or appliances sold by a chiropractic physician to a patient;

(b) A claim or claims for chiropractic services, practices, goods or appliances is submitted to that patient or third party payor which represents multiple charges for one specific chiropractic diagnostic service or treatment practice, good or appliance.

(c) A charge or claim for chiropractic services, practices, goods or appliances exceeds the usual and customary charges for such services, practices, goods or appliances to the extent that the charge or claim is unconscionable.

(d) A charge or claim is submitted to the patient or to a third party payor for services, practices, goods or appliances which were not rendered or supplied.

(e) A chiropractic doctor renders any chiropractic services, practices, goods or appliances for which a fee may be charge after such time as a patient has requested but has not been provided with a written itemized statement of any chiropractic services, practices, goods or appliances to be rendered during a particular office visit, and the corresponding fees that will be charges for such services.

(4) A chiropractor shall not engage in the following:

(a) Routinely waive co payments or deductibles for the purpose of financial gain; or

(b) Waive co payments or deductibles for the purpose of enticing or encouraging individuals to become patients.

Effective: 3/6/90, (4) 11/2005, amended 6/06

Authority: 34-24-144; 34-24-165; 34-24-166(2)

RULE 190-X-5-.09 Chiropractic Records Required; Release of Records.

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in immoral, and / or unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

(a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and a search fee of five dollars (\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A

person may also charge the actual cost of reproducing X-rays and other special chiropractic records.

(b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to patient upon request in accordance with this rule shall constitute immoral or unprofessional conduct as defined in Rule 190-X-5-.05.

(c) The fees provision of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.

(3) Request for records from another healthcare practitioner or the Board of Chiropractic Examiners must be released within 10 working / business days.

(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.

(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee / permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee / permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot / will not be mailed within 10 days of receipt of the certified letter from the Board.

(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee / permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients. A licensee or the estate of a deceased chiropractor transferring patient records in connection with the sale of a practice should notify the active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.

Effective: 10/1/82, amended 3/22/84, 7/6/93, (1)(3) amended 6/98, (2)(a)(b)(c) amended 8/99, amended 10/2006, amended (3)(4)(5)(6) 1/07, amended 1/2010 (2)(c)(3)

Authority: 34-24-144; 34-24-165; 34-24-166(3)

RULE 190-X-5-.10 Inability to Practice Chiropractic with Reasonable Skill and Safety to Patients.

(1) **Statement of Policy.** The Legislature has declared that a chiropractor may be disciplined due to the inability to practice chiropractic with reasonable skill and safety by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

(2) Board Intervention. It is the duty and obligation of the Board to promote the early identification, intervention, treatment and rehabilitation of chiropractors licensed to practice in this State who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances or as a result of any physical or mental condition. The Board may enter into an agreement pertaining to the areas, functions, or responsibilities set forth in Code of Alabama, (1975) Section 34-24-166(g).

(3) Requirement and Criteria for Examination. Every licensee who accepts the privilege of practicing chiropractic in the State of Alabama by actually practicing or by the making and filing of an annual renewal to practice chiropractic upon a showing of probable cause that the chiropractor is not capable of physically or mentally practicing chiropractic with reasonable skill and safety to patients, shall be deemed to have given consent to submit to a mental, physical or laboratory examination, or any combination thereof, and to waive all objections to the admissibility of the testimony or examination reports of the examining physician on the ground that the reports constitute privileged doctor patient communications.

(4) If there is an issue of whether or not a licensee is physically or mentally capable of practicing chiropractic with reasonable skill and safety to patients, upon a showing or probable cause to the Board that the licensee is not so capable, the Board may order and direct licensee to submit to a physical, mental, or laboratory examination, or any combination thereof, to be performed by a physician designated or approved by the Board. The expense of the examination shall be borne by the licensee who was examined.

Effective: 10/1/82, amended 2(b) 1/98, amended 2(c) 6/98, amended 11/2003

Authority: 34-24-166(2); 34-24-144; 34-24-165

RULE 190-X-5-.11 Delegation, Acceptance of Responsibility.

(1) The Board finds and declares that any licensee who delegates professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them, engages in immoral, unprofessional or dishonorable conduct as defined by Rule 190-X-5-.05.

(2) The Board finds and declares that licensees who are employed by clinics or other facilities owned by non-licensees jointly and severally accept the professional responsibility and strict liability under the laws governing the practice of chiropractic and / or these rules and regulations for any violations which may be committed by the non-licensed owner(s), or committed by any non-licensed agent or employee acting at the direction of a non-licensed owner(s), or committed by any non-licensed agent or employee at the direction of another non-licensed agent or employee of a clinic or other facility owned by a non-licensee.

Effective: 10/1/82, amended 7-6-93

Authority: 34-24-166(2); 34-24-144; 34-24-165

RULE 190-X-5-.12 Aiding Unauthorized Practice Prohibited.

The Board finds and declares that any licensee who aids, assists, procures or advises any unlicensed person to practice chiropractic as defined in Code of Ala. 1975, 34-24-120, et seq., engages in immoral, unprofessional or dishonorable conduct as defined in Rule 190-X-5-.05.

Effective: 10/1/82

Authority: 34-24-144; 34-24-165; 34-24-166(2)

RULE 190-X-5-.13 Professional Signs.

1. Any chiropractor who is actively engaged in the practice of chiropractic is required to place a sign or cause or require a sign to be placed in a conspicuous place at the entrance of the office or place of practice which must include the following information:

A. The name of the practice. If the name of the practice is other than the name of the participating chiropractors, then the name of all chiropractors practicing at that location shall appear following or beneath the name selected.

B. The word chiropractor, chiropractic, chiropractors, chiropractic physician or chiropractic physicians. These terms shall be displayed with similar prominence as the name of the practice.

C. If any licensed chiropractor is unable to comply with this rule because of circumstances such as being a member of a multi-discipline practice, not owning or controlling the building where the practice is located, etc., the chiropractor shall document and use their best efforts to have their name listed and in similar prominence the word chiropractor, chiropractic, chiropractors, chiropractic physician or chiropractic physicians at the entrance of the office place of practice.

Effective: 3/6/90, amended 5/99, amended 1/2003

Authority: 34-24-144; 34-24-161; 34-24-166

RULE 190-X-5-.14 Accident Solicitation Letters.

(A) On the outside of each envelope in 10-point bold type at the bottom left hand corner of the envelope, there will be printed in capital letters in a color clearly distinguishable from the color of the background page, this is an advertisement.

(B) On the first and last page of the letter, in the same type size as the letter, shall be contained the following paragraph in a color different from the color of the text on the background page.

NOTICE: THIS IS A SOLICITATION. Your name and address and information relative to the accident in which you were involved were acquired from public documents. You are under no obligation to respond to this letter. Recipients of this solicitation should understand the importance of employing a health care provider and inquiry into the doctor's qualifications and experience is recommended.

(C) If the Internet (E-Mail) is utilized the language required in (A) above must appear in clearly distinguishable capital letters in the subject line and the language required in (B) above must appear in clearly distinguishable capital letters at the beginning and end of the E-Mail.

(D) Senders shall take reasonable steps to avoid sending solicitation letters to minors.

(E) A sample copy of each different solicitation letter shall be retained by the sender for a period of one year.

Effective: 1/2003, 6/12/05, 9/8/05

Authority: 34-24-144; 34-24-165; 34-24-166(b)(1)(2)(16)

RULE 190-X-5-.15 Use of Lasers.

Lasers approved by the Federal Drug Administration for therapeutic use may be utilized by a chiropractor as a treatment device provided the laser is used only within the allowable scope of practice of chiropractic in this state. The chiropractor is responsible for

adhering to any laws applicable to the use of the above referenced lasers and knowing and following the appropriate protocol for their use.

Author: James Ward

Effective: 1/2008

Authority: 34-24-120; 34-24-144; 34-24-165

CHAPTER 190-X-6: AMENDMENT OF RULES

RULE 190-X-6-.01 Petition For Adoption Of Rules.

(1) Any person who wishes to propose that the Board adopt, repeal or amend any rule may do so on the form prescribed by the Board and supplied by the Executive Director.

(2) The Board shall meet and consider any petition for adoption, repeal or amendment within sixty days of its submission.

Effective: 10-1-82, (1) amended 3/2009

Authority: 34-24-144; 34-24-165; 41-22-8

RULE 190-X-6-.02 Notice.

(1) The Board shall give at least 35 days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with Code of Ala. 1975, 41-22-5; and by letter, a copy of proposed changes which is sent to the Alabama Administrative Monthly, to all legally constituted associations of chiropractors in the State of Alabama that has supplied the Executive Director with an address.

(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Director and paying an annual charge of \$10.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

Effective: 3-6-90, (1)(2) amended 3/2009

Authority: 41-22-8; 34-24-144; 34-24-165

RULE 190-X-6-.03 Public Hearings.

The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Executive Director at least two days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Executive Director, and such request must be received by the Executive Director at least five days before the deadline for comment.

Effective: 3-6-90, amended 3/2009, amended 6 09

Authority: 34-24-144; 34-24-165; 41-22-8

RULE 190-X-6-.04 Board Decision.

The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its

adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

Effective: 10-1-82

Authority: 34-24-144; 34-24-165; 41-22-8

RULE 190-X-6-.05 Emergency Rules.

In the event the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than 35 days notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days notice, the Board may adopt an emergency rule under the provision of the Administrative Procedure Act, Section 5(2).

Effective: 10-1-82

Authority: 34-24-144; 34-24-165; 41-22-8

RULE 190-X-6-.06 Compliance With Administrative Procedure Act. All rules adopted by the Board shall otherwise substantively and procedurally comply with the provisions of the Alabama Administrative Procedure Act.

Effective: 10-1-82

Authority: 34-24-144; 34-24-165; 41-22-8

CHAPTER 190-X-7 PRECEPTOR AND EXTERN / INTERN PROGRAM

RULE 190-X-7-.01 Preceptor Doctor.

(1) **Definition:** This preceptor program is designed to provide experience and practice for unlicensed or student doctors before or after graduation as further qualified by this section in cooperation with sponsoring licensed doctors and participating chiropractic colleges.

(2) **All preceptor doctors must:**

- (a) **Be approved by the Alabama State Board of Chiropractic Examiners for each participation.**
- (b) **Have a active Alabama license.**
- (c) **Be in active practice in Alabama for three (3) years or more.**
- (d) **Provide evidence of malpractice insurance for themselves and the extern or intern and provide the location and submit a schedule showing when the extern or intern will working be under direct on premises supervision for said program.**
- (e) **Contribute \$25.00 monthly (payable the first quarter with the preceptor application and thereafter quarterly in advance) to the Alabama State Board of Chiropractic Examiners to defray expense of administration of this program only when the Preceptor actually has a extern or intern in the office. Recent graduate compensation is between the parties involved.**
- (f) **Have no Class A or B violations of Board rules for two (2) years and have no present investigations for possible Board violations.**
- (g) **Complete application which states that he or she has read and understands Code of Ala. 1975, 34-24-145, and Board rules and regulations pertaining to this program.**

Effective: 3-6-90, amended 11/97

Authority: 34-24-145

RULE 190-X-7-.02 Extern And Intern.

(1) Extern.

(a) Definition - a person who has graduated from a college of chiropractic maintaining a standard of training acceptable to the Alabama State Board of Chiropractic Examiners within the six (6) months preceding the application for participation in this program, but who has not yet been licensed in any other state.

(b) Qualifications - have a current completed license application on file with the Board at the Executive Director's office including National Board transcript passing Parts I, II and III and all documents and fees.

(c) Program Time Period - must take the National Board IV examination within twelve months of qualifying for this program. Inclusion in this program as an extern will be terminated three months after the second Part IV test date of the program period.

(d) Each applicant for the extern program shall complete an application to be provided by the Board. Such application shall include a provision that in executing the application the applicant agrees to comply with the provision of the Alabama Chiropractic Act and all rules adopted by the Board.

(2) Intern.

(a) Definition - an individual studying at a chiropractic college maintaining a standard of training that is acceptable by the Alabama State Board of Chiropractic Examiners and in the final academic year.

(b) Qualifications - have a current completed license application on file with the Board at the Executive Director's office including fee and documentation required by all student applicants for licensure. Students enrolled at approved chiropractic colleges may perform chiropractic procedures at a location other than the premises of the chiropractic college at which the student is enrolled provided such students have successfully passed National Board of Chiropractic Examiners written examinations Parts I and II, completed a minimum of three academic years of chiropractic college and have met all of the chiropractic college's requirements concerning its student/preceptor program. The chiropractic procedures performed by the student shall be performed under the supervision and direction of a Chiropractic Preceptor.

(c) Program Time Period - Inclusion in this program as an intern is terminated at graduation.

(d) Intern status may convert to Extern Status for the six (6) months following graduation from chiropractic college in the event the National Board requirements for Part IV are not satisfied by the graduation date.

(e) Each applicant for the intern program shall complete an application to be provided by the Board. Such application shall include a provision that in executing the application the applicant agrees to comply with the provision of the Alabama Chiropractic Act and all rules adopted by the Board.

(3) No extern or intern may deliver chiropractic services without on-premises supervision by the sponsoring preceptor doctor.

(a) Scope of practice: The extern or intern may deliver chiropractic services as specified by the Code of Alabama, 1975 and the Alabama State Board of Chiropractic rules and regulations.

Effective: 3-6-90, amended 2/93, (2)(d) amended 3/94, (1)(c) and (3)(a) amended 11/97, (1)(c) amended 2/2000, (1)(b)(c)(d) and (2)(b)(d)(e) amended 8/2001, (1)(b)(2)(b), amended 3/2009, amended 6/2010 (2)(b), amended 1/2011(2)(b)

Authority: 34-24-145; 34-24-165

RULE 190-X-7-.03 Establish Director of Preceptor and Extern / Intern Program.

(1) The director of this program shall be a licensed Alabama doctor in active practice and be appointed by a majority vote of the Board of Examiners. The director will serve a term of one year and may be re-appointed.

(2) Duties of the director of the Preceptor Extern / Intern Program should be, but are not necessarily limited to:

(a) Reviewing qualification and approval or denial of acceptance of prospective preceptor doctors, extern or intern.

(b) Confirming that applicants are notified of acceptance or denial of application within two (2) weeks of approval in writing to the address on the application.

(c) Monitoring the rules and regulations, recommend necessary changes to the Board of Examiners and in general administer the program within the established guidelines.

(d) Checking either by phone or on-site visit with each preceptor doctor at least quarterly and provide a short report at the Board meetings.

(e) Notifying the Board president or the Board liaison of known violations of the rules.

(3) The director of this program shall not have disciplinary or administrative powers other than those established by the Board of Examiners.

(4) Funds to pay the actual expenses incurred will be paid from the \$25.00 monthly payments made by participating doctors.

(5) Director may receive no monetary compensation other than actual expenses incurred while discharging outlined duties.

Effective: 3-6-90, (1) amended 7-24-91, amended 2/2000

Authority: 34-24-145; 34-24-165